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VIA CERTIFIED MAIL

Ms. Amy J. Nelson, Ph.D.
Supervisory Patent Examiner
Technology Center 1600
US Patent and Trademark Office
Commissioner of Patents and Trademarks
Washington, DC 20231

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November 18, 2002

RE: In re Proctor
Reexamination Control No. 90/005,892
US Patent No. 5,894,079
Art Unit 1638

Dear Ms. Nelson,

I am submitting an Information Disclosure Statement on behalf of CIAT,
requester of the reexamination of Patent No. 5,894,079 on the field bean cultivar named
“Enola”. This Information Disclosure Statement shall be integrated to the one submitted
on October 30, 2002.

With said statement I resubmit a copy of the scientific article “*Classical and
Molecular Genetic Studies of the Strong Greenish Yellow Seedcoat Color in “Wagenaar”*

11/29/2002 TSUGGS and “Enola” Common Bean” written by BASSET, LEE, OTTO and MCLEAN and
01 FC:1806 published in the ^{180.00 OP} Journal of The American Society for Horticultural Sciences in 2002.

This publication indicates that the plant structures of “Enola” and “Mayocoba” are
“virtually indistinguishable”, and that “Enola” is a selection from one of the pure-line

commercial cultivars from "Mayocoba". Pursuant to said information, the patent subject of reexamination lacks novelty.

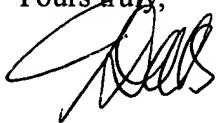
In addition, I submit copies of documents that evidence that the yellow beans subject of said patent were offered for sale in the United States more than one year prior to the filing date and issuance date of the same. I would like to draw to your attention that pursuant to Section 102(b) of the Patent Act (35 U.S.C. §102(b)), the beans subject of Patent No. 5,894,079 do not meet the conditions for patentability because they were sold more than one year prior to the filing date of the patent application, and therefore "on sale bar" has operated.

I enclose the above documents for your review and consideration.

Finally, please update your records with the new address of the attorney at record for CIAT. Please send all future correspondences to:

John Dodds
Dodds & Associates
1707 N St., NW
Washington, DC 20036

Yours truly,



John Dodds
Attorney at Law

Enc: Check for \$180.00
Information Disclosure Statement and accompanying documents

Cc: File
CIAT
POD-NERS' Attorney of Record

It is hereby certified that a copy of this letter, Information Disclosure Statement and accompanying documents were mailed to POD-NERS' attorney at record, Denise L. Mayfield, by US First Class Mail on November 18, 2002 to the following address:

Denise L. Mayfield
Law Offices of Lathrop & Gage LLC
4845 Pearl East Circle, Suite 300
Boulder, CO 80301

2002 EDITION

Please type a plus sign (+) inside this box →

Approved for use through 10/31/2002. OMB 0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

Reex. Control No. 90/005892

Filing Date

12/20/2000

First Named Inventor

Group Art Unit

1638

Examiner Name

Amy Nelson

Total Number of Pages in This Submission

Attorney Docket Number

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ENCLOSURES (check all that apply)

 Fee Transmittal Form Assignment Papers
(for an Application) After Allowance Communication to Group Fee Attached Drawing(s) Appeal Communication to Board of Appeals and Interferences Amendment / Response Licensing-related Papers Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief) After Final Petition Proprietary Information Affidavits/declaration(s) Petition to Convert to a Provisional Application Status Letter Extension of Time Request Power of Attorney, Revocation Change of Correspondence Address Other Enclosure(s)
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check for \$180.00 Express Abandonment Request Terminal Disclaimer Information Disclosure Statement Request for Refund Certified Copy of Priority Document(s) CD, Number of CD(s) _____

Remarks

 Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name

Dodds & Associates, John Dodds

Signature

Date

11/18/2002

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

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